UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,965	01/31/2001	Shawn D. Bracewell	13768.185.1	6008

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EXAMINER
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ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 July 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Application Number 09/774, 965 was filed on 01/31/2001.   Claims 1-43 are

subject to examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless —(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-31, 34-37 and 39-41 are rejected under 35 U.S.C. 102(b) as being

anticipated by Dan Johnson (hereinafter Dan) (Circuit Cellar Ink, February 1998).

Referring to claims 1, 2 and 3,

The reference teaches in a network that includes one or more network devices that

have Web browsers implemented thereon, the network devices being network

connectable to a network server (Page 40, center column, "And, users of nonPC

devices gain faster access to web content that looks good on their devices."), the

network also including a data server that is in communication with the network server,

wherein the network server sends displayable content to the network devices, and

wherein the one or more network devices may request data that is stored in the data

server even though the data server itself is not configured to present the data as

displayable content (page 40, center column, "To meet current needs, Spyglass Prism

converts existing Web content for a variety of devices on-the-fly. Content providers can

maintain a single version of their content on a server for use with all devices without any

proprietary HTML tags or resorting to entirely new markup languages."), a method for

rendering data from the data server to create displayable content (Page 40, center and right columns, " It is intermediary server software that receives requests from a client (the device), makes requests for documents on behalf of that client, and returns the appropriate content to the client."), comprising:

an act of the network server receiving a request for displayable content from a first network device(Page 40, center and right columns, " It is intermediary server software that receives requests from a client (the device), makes requests for documents on behalf of that client, and returns the appropriate content to the client.");

an act of identifying a template for the displayable content based on bandwidth available to send the displayable content to the first network device, the template including displayable portions as well as one or more tokens that represent non-displayable data that is stored on the data server (page 42, left column, "The device database offers information about each type of device such as display resolution (identifying a template for the displayable content based on bandwidth available to send the displayable content to the first network device) and supported image formats (GIF, JPEG) and HTML tags(the template including displayable portions as well as one or more tokens that represent non-displayable data that is stored on the data server).;

an act of accessing the non-displayable data from the data server; an act of the network server following the identified template to construct the displayable content by performing the following acts: an act of including displayable portions in the displayable content as specified in the identified template; an act of processing the non-displayable data accessed from the data server, the processing functions specified by the identified

template, wherein the non-displayable data become displayable upon processing; and an act of including the processed non-displayable data in the displayable content as specified in the identified template; and an act of sending the displayable content to a second network device. (page 41, left column, 4th and 5th paragraphs. and page 42, left column, 4th paragraph). The reference also teaches that the communications protocol for the web is the hypertext transfer protocol ("HTTP") and other communication protocols for other Internet communication tools include the file transfer protocol or FTP, and other Web client technologies. (page 44, center column, 4th paragraph). Thereby, the reference discloses that the requesting first network device and receiving second network device are the same or different depends on the communication protocol used such as HTTP or FTP.

Referring to claims 4, 5, 20 and 21,

The reference teaches the method as recited in claim 1, wherein the displayable content comprises a HyperText Markup Language (HTML) document, and wherein the displayable portions comprise HTML tags. (page 42, left column, "The device database offers information about each type of device such as display resolution (identifying a template for the displayable content based on bandwidth available to send the displayable content to the first network device) and supported image formats (GIF, JPEG) and HTML tags.")

Referring to claim 6, 7, 22 and 23,

The reference teaches the method as recited in claim 1, wherein the request for displayable content comprises information allowing the network server to identify the

web browser type that will be used on the network device to display the displayable content, and wherein the request for displayable content comprises information expressly identifying the Web browser type that will be used on the network device to display the displayable content. (page 41, right column,5th paragraph, "Identifying the user, and the type of device and browser, is the beginning of the content conversion process.")

Referring to claims 8 and 24,

The reference teaches the method as recited in claim 1, wherein the processing functions to be performed comprises processing one or more tokens to convert the non-displayable data so as to be displayable. (page 41, left column, 2nd, 3rd and 4th paragraphs)

Referring to claims 9, 10, 17, 25 and 26,

The reference teaches the method as recited in claim 1, wherein the request for displayable content comprises language information identifying the language to be used in the displayable content, the method further comprising the following: an act of identifying the language based on the language information., and wherein the language information comprises an express language indication, the method further comprising the following: an act of identifying the language based on the express language indication. (page 41, right column,5th paragraph, "Identifying the user, and the type of device and browser, is the beginning of the content conversion process.")

Referring to claims 11, 12, 27 and 28,

The reference teaches the method the method as recited in claim 1, wherein the network server and the data server are physically integrated., and wherein the network server and the data server are physically separate. (page 40, center column, 4th paragraph thru right column, 2nd paragraph)

Referring to claims 13,14, 29 and 30,

The reference teaches the method as recited in claim 1, wherein the act of the network server receiving a request for displayable content comprises the following: an act of the network server receiving a request for displayable content via network messaging.

(page 44, center column, 4th paragraph)., and wherein the act of the network server receiving a request for displayable content comprises the following: an act of the network server receiving a request for displayable content via receiving a call to an Application Program Interface (API). (page 42, left column, 2nd paragraph).

Referring to claims 15, 16, 18 and 19,

The reference teaches in a network that includes one or more network devices that have Web browsers implemented thereon, the network devices being network connectable to a network server (Page 40, center column, "And, users of nonPC devices gain faster access to web content that looks good on their devices."), the network also including a data server that is in communication with the network server, wherein the network server sends displayable content to the network devices, and wherein the one or more network devices may request data that is stored in the data server even though the data server itself is not configured to present the data as displayable content (page 40, center column, "To meet current needs, Spyglass Prism

converts existing Web content for a variety of devices on-the-fly. Content providers can maintain a single version of their content on a server for use with all devices without any proprietary HTML tags or resorting to entirely new markup languages."), a method for rendering data from the data server to create displayable content (Page 40, center and right columns, " It is intermediary server software that receives requests from a client (the device), makes requests for documents on behalf of that client, and returns the appropriate content to the client."), comprising:

an act of the network server receiving a request for displayable content from a first network device, the request indicating a Web browser type that is implemented on the first network device; (Page 40, center and right columns, " It is intermediary server software that receives requests from a client (the device), makes requests for documents on behalf of that client, and returns the appropriate content to the client.", page 41, right column,5th paragraph, "Identifying the user, and the type of device and browser, is the beginning of the content conversion process.")

an act of identifying a template for the displayable content based on bandwidth available content to the first network device, the template including displayable portions as well as one or more tokens that represent non-displayable data that is stored on the data server(page 42, left column, "The device database offers information about each type of device such as display resolution (identifying a template for the displayable content based on bandwidth available to send the displayable content to the first network device) and supported image formats (GIF, JPEG) and HTML tags(the

template including displayable portions as well as one or more tokens that represent non-displayable data that is stored on the data server);

an act of accessing the non-displayable data from the data server; a step for constructing the displayable content so as to represent both the displayable portions and the non-displayable data; and an act of sending the displayable content to the network device., and wherein the step for constructing displayable content comprises the following: an act of including displayable portions in the displayable content as specified in the identified template; an act of processing the non-displayable data accessed from the data server, the processing functions specified by the identified template, wherein the non-displayable data become displayable upon processing; and an act of including the processed non-displayable data in the displayable content as specified in the identified template. (page 41, left column, 4th and 5th paragraphs. and page 42, left column, 4th paragraph). The reference also teaches that the communications protocol for the web is the hypertext transfer protocol ("HTTP") and other communication protocols for other Internet communication tools include the file transfer protocol or FTP, and other Web client technologies. (page 44, center column, 4th paragraph). Thereby, the reference discloses that the requesting first network device and receiving second network device are the same or different depends on the communication protocol used such as HTTP or FTP.

Referring to claim 31,

Claim 31 is a claim to a computer program product on a computer-readable medium carrying computer-readable instructions, that when executed at the network server,

cause the network server to perform the steps of method 1. Therefore, claim 31 is

rejected for the reasons set forth for the claim 1.

Referring to claims 34 and 35,

Claims 34 and 35 are claims to a computer program product on a computer-readable

medium carrying computer-readable instructions, that when executed at the network

server, cause the network server to perform the steps of method of claims 9 and 10.

Therefore, claims 34 and 35 are rejected for the reasons set forth for the claims 9, 10,

17, 25 and 26.

Referring to claims 36 and 37,

The reference teaches the computer program product as recited in claim 31, wherein

the network server and the network device are the same device., and wherein the

network server and the data server are the same device. (Page 40, center and right

columns, " It is intermediary server software that receives requests from a client (the

device), makes requests for documents on behalf of that client, and returns the

appropriate content to the client.", thereby the reference teaches the software can be

implemented on any computing devices taught by the reference.")

Referring to claims 39 and 41,

The reference teaches a computer-readable medium (Page 40, center and right

columns, " It is intermediary server software that receives requests from a client (the

device), makes requests for documents on behalf of that client, and returns the

appropriate content to the client.") for use in a network that includes one or more

network devices that have Web browsers implemented thereon, the network devices

being network connectable to a network server(Page 40, center column, "And, users of nonPC devices gain faster access to web content that looks good on their devices."), the network also including a data server that is in communication with the network server, wherein the network server sends displayable content to the network devices, and wherein the one or more network devices may request data that is stored in the data server even though the data server itself is not configured to present the data as displayable content (page 40, center column, "To meet current needs, Spyglass Prism converts existing Web content for a variety of devices on-the-fly. Content providers can maintain a single version of their content on a server for use with all devices without any proprietary HTML tags or resorting to entirely new markup languages."), the computer-readable medium storing data for access by a program module being executed on the network server, the computer-readable medium, the data structure comprising:

A data structure stored on the computer-readable medium, the data structure including compiled template data to be used by the program module, data structure comprising:

a data dictionary data object that identifies data to be accessed from the data server (Page 40, center and right columns, " It is intermediary server software that receives requests from a client (the device), makes requests for documents on behalf of that client, and returns the appropriate content to the client." The reference teaches the claimed element as being an inherent requirement.);

a template constant data object that identifies constants associated with the template; a functions data object that identifies functions associated with the template; a

token information table data object that identifies locations in the template associated

with the data dictionary data object, the template constant data object, and the functions

data object; and an HTML data that identifies native HTML associated with the

template., and wherein the field data dictionary data object includes identification of

non-displayable data to be accessed on the data server. (page 42, left column, "The

device database offers information about each type of device such as display resolution

and supported image formats (GIF, JPEG) and HTML tags. ", 4th, 5th and 6th

paragraphs. The reference teaches the claimed elements as being the inherent

requirement.)

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

5.   Claims 32, 33, 38, 42, and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dan Johnson (hereinafter Dan) (Circuit Cellar Ink, February 1998) in

view of Official Notice.

Referring to claims 32, 33, 38, 42 and 43,

An Official Notice is taken for the computer-readable instructions and computer

readable medium having data structure (physical storage) which by virtue causes the

implementation of the method such as of claims 31 and 39 and it itself is non-

displayable data and not accessible to the network device. This provides security against changes/ alterations by the personnel which are not authorized to access or change.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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